

REMARKS

Claims 1-13 and 36-40 were appealed. In its August 13, 2012 decision, the BPAI affirmed the Examiner's rejection. A Request for Continued Examination accompanies this paper.

This paper amends claims 1, 7, and 36, cancels claims 38 and 39, and adds new claims 41-50. Support for the amendments to claims 1, 7, and 36 can be found in various paragraphs in the specification, for example, on page 43, line 18 through page 44, line 2, and on page 45, lines 13-17. Support for new dependent claims 41, 45, and 47 can be found, for example, on page 34, lines 10-12; support for new dependent claims 42, 46, and 48 can be found, for example, on page 32, lines 13-15; and support for new dependent claims 43, 44, 49, and 50 can be found, for example, on page 14, lines 2-14.

Applicant believes no excess claims fees are required for the newly added claims (the application as originally filed had 35 claims, and presently has 26 claims). Notwithstanding, should excess claims fees be required, the Director is hereby authorized to charge such fees to deposit account 50-2295.

Claims 1-13, 36, 37, 40-50 are now pending in the application.

Claim Rejections – 35 USC §103

The final office action rejects claims 1-6 and 36-40 under 35 U.S.C. §103(a) as being obvious over Rothschild (U.S. Pub. No. 2001/0047294) in view of "Streaming Email" (XP-002150023) and Sezan (U.S. Pat. No. 6,236,395). Applicant respectfully traverses the rejection to the extent it is maintained against the claims as amended.

The Applicant's amended independent claim 1 now recites, in pertinent part, embedding the video segment, identifier, and associated advertisement into a web page; and sending the web page with the embedded video segment, the identifier, and the associated advertisement over the computer network to a receiving computer.

Rothschild describes a method for adding an advertisement to a personal communication, more specifically, to an email message. Rothschild does not disclose or suggest embedding the

video segment, identifier, and associated advertisement into a web page; and sending the web page to a receiving computer, as now set forth in the applicant's claims.

"Streaming Email" teaches sending video email messages in streaming format, and like Rothschild, does not disclose or suggest embedding the video segment, identifier, and associated advertisement into a web page; and sending the web page to a receiving computer.

Sezan teaches generating and associating thumbnail images with a video files, but like Rothschild and "Streaming Email", does not disclose or suggest embedding the video segment, identifier, and associated advertisement into a web page, and sending the web page to a receiving computer. Accordingly, none of the above-noted references, whether taken alone or in combination, discloses or suggests the applicant's claimed elements of "embedding the video segment, identifier, and associated advertisement into a web page; and sending the web page with the embedded video segment, the identifier, and the associated advertisement over the computer network to a receiving computer," as now recited in the applicant's claims. Applicant respectfully submits that the amendments overcome the rejection and therefore request that the rejection be withdrawn.

Independent claim 36 as amended now recites claim language similar to that of independent claim 1 and is therefore patentable for at least those reasons presented in connection with independent claim 1. Specifically, amended independent claim 36 recites, "generating a web page containing the identification tag and the selected one of the plurality of advertisements; and transmitting the web page containing the identification tag and the selected one of the plurality of advertisements over the computer network to a receiving computer system." None of the above-noted references, whether taken alone or in combination, discloses or suggests this claimed element.

Each of the dependent claims 2-6 and 36-40 depends directly or indirectly from one of the independent claims and inherits all limitations from that independent claim, and therefore is patentable for at least those reasons presented in connection with the independent claim from which it depends. Applicant therefore respectfully requests that the rejection against these claims also be withdrawn.

The final office action rejects claims 7-11 under 35 U.S.C. §103(a) as being obvious over Rothschild in view of “Streaming Email”, Ellis (U.S. Pat. No. 6,774,926), and Sezan (U.S. Pat. No. 6,236,395). Applicant respectfully traverses the rejection to the extent it is maintained against the claims as amended.

Independent claim 7 now recites, in pertinent part, “directing, using the sender computer, the server computer system to embed the video segment and the selected advertisement into a web page that is to be sent by the server computer system to a receiving computer system when distributing the video segment.”

The arguments presented above in connection with Rothschild, “Streaming Email”, and Sezan are relevant to this rejection, and are incorporated herein. Because none of them discloses embedding a video segment into a web page, none can disclose or suggest directing the server computer system to perform this operation, as now set forth in claim 7. Further, Ellis does not provide this missing element. Rather, Ellis teaches uploading video from a computer to a server, allowing home users to provide video content, but there is no teaching of “directing, using the sender computer, the server computer system to embed the video segment into a web page that is to be sent by the server computer system to a receiving computer system when distributing the video segment with the selected advertisement.” None of the references cited in this rejection, whether taken alone or in combination, discloses or suggests this claimed element. Accordingly, the applicant respectfully requests that the rejection against these claims also be withdrawn.

Each of the dependent claims 8-11 depends directly or indirectly from independent claim 7 and inherits all limitations from that independent claim, and therefore is patentable for at least those reasons presented in connection with the independent claim. Applicant therefore respectfully requests that the rejection against these claims also be withdrawn.

The final office action also rejects claim 12 under 35 U.S.C. §103(a) as being obvious over Rothschild in view of “Streaming Email”, Ellis, and Sezan, and further in view of Eldering (U.S. Pat. No. 6,820,277). Applicant respectfully traverses this rejection because this claim depends directly or indirectly from an allowable independent claim, and is therefore allowable

for at least this reason. Applicant therefore respectfully requests that the rejections against these claims also be withdrawn.

New Claims 41-50

Each of the new claims 41-50 depends directly or indirectly from an allowable independent claim, and is therefore allowable for at least this reason. Applicant therefore respectfully submits that the new claims are allowable as written.

CONCLUSION

Applicant submits that this paper provides a response for all pending claims. Any absence of a reply to a specific rejection, issue, or comment, or to any taking of “official notice” or reliance on “common sense”, however, does not signify agreement with or concession of that rejection, issue, comment, taking of “official notice”, or reliance on “common sense”. In addition, because the arguments made above are not exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the amendments and arguments made herein, applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the applicant’s representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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